

**Notice of Allowability**

Application No.

09/386,613

Applicant(s)

ANDERSON ET AL.

Examiner

Ngoc K. Vu

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to 2/6/06.
2. ☒ The allowed claim(s) is/are 39-44, 46-58, 60-65 and 67-89.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dean Small on June 09, 2006.

The application has been amended as follows:

#### **In the claims:**

Claim **44**, lines 2-6, after "a portable hand-held unit", "configured to receive said audio and image signals...stadium during the sporting event" has been deleted.

Claim **53**, line 1, after "wherein", "said display and" has been deleted.

Claim **54**, line 2, after "mounted", "in a manner...the surrounding environment" has been deleted.

Claim **60**, line 1, "further comprising" has been changed into --wherein the receiver further comprises--.

Claim **61**, line 1, "further comprising" has been changed into --wherein the receiver further comprises--.

Claim **64**, line 1, "further comprising" has been changed into --wherein the receiver further comprises--.

Claim **65**, lines 2-6, after "a portable hand-held unit", "configured to receive said audio and image signals...stadium during the sporting event" has been deleted.

Claim 68, line 1, "further comprising" has been changed into --wherein the receiver further comprises--.

Claim 74, line 1, after "wherein", "said display and" has been deleted.

Claim 75, after "head mounted", "in a manner...the surrounding environment" has been deleted.

Claim 88, line 2, "the device" has been changed into --the portable audio/visual device--.

Claim 88, line 3, after "a receiver", "to be carried by the user while at the sporting event, the receiver" has been deleted.

Claim 88, line 5, after "configured to", --wirelessly-- has been added.

Claim 88, line 6, "over a wireless transmission" has been deleted.

Claim 88, line 7, after "an user interface", "to be carried by the user while at the sporting event, the user interface" has been deleted.

Claim 88, line 12, after "a display", "to be carried by the user while at the sporting event, the display" has been deleted.

Claim 88, last line, "audio signal." has been changed into --audio signal;

wherein said receiver is configured to receive said audio and image signals while at a stadium and where the sporting event is occurring, thereby permitting the user to carry said portable audio/visual device about the stadium and choose where to view said selected image signal and listen to said selected audio signal while roaming at the stadium during the sporting event.--.

Claim 89, line 9, "the transmitter;" has been changed into --the interface device, wherein the receiver is a portable unit and further comprises:--.

Claim 89, line 10, after "an user interface", "to be carried by the user while at the sporting event, the user interface" has been deleted.

Claim 89, line 14, after "a display", "to be carried by the user while at the sporting event, the display" has been deleted.

Claim 89, last line, "audio signal." has been changed into --audio signal;

wherein said receiver configured to receive said audio and image signals while at a stadium and where the sporting event is occurring, thereby permitting the user to carry said receiver about the stadium and choose where to view said selected image signal and listen to said selected audio signal while roaming about the stadium the sporting event.--.

2. The following is an examiner's statement of reasons for allowance:

The closest prior art, Busack (US 6,020,851 A) teaches an auto race monitoring system comprising a mainframe computer 36 for transmitting audio/video signal to receivers 40 via Internet 38. A viewer can select any particular race car which he/she desires to view at any particular time in the race and not only view vehicle parameters, but also listen in on communications between the driver and pit crew. The prior art fails to anticipate or render the following limitations obvious: "said receiver being configured to wirelessly receive said image and audio signals from a transmitter", "first and second noise reduction devices configured to be placed over the ears of a user; and a first speaker provided in said first noise reduction device, said first speaker producing sounds based on said selected audio signal; wherein said receiver is configured to receive said audio and image signals while at a stadium and where the sporting event is occurring, thereby permitting the user to carry said portable audio/visual device about the stadium and choose where to view said selected image signal and listen to said selected audio signal while roaming at the stadium during the sporting event" as recited in claim 88, and "a receiver to be carried by the user while at the sporting event, the receiver wirelessly receiving said audio and image signals from the interface device, wherein the receiver is portable unit",

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"first and second noise reduction devices configured to be placed over the ears of a user; and a first speaker coupled to said first noise reduction device, said first speaker producing sounds defined by said selected audio signal; wherein said receiver configured to receive said audio and image signals while at a stadium and where the sporting event is occurring, thereby permitting the user to carry said receiver about the stadium and choose where to view said selected image signal and listen to said selected audio signal while roaming about the stadium the sporting event as recited in claim 89.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ngoc K. Vu  
Primary Examiner  
Art Unit 2623

June 12, 2006